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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,029	01/16/2004	Tsai-Cheng Hsu	04109-URS	8499

33804 7590 12/15/2005
SUPREME PATENT SERVICES
P.O. BOX 2339
SARATOGA, CA 95070-0339

EXAMINER

LEE, Y MY QUACH

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/760,029

Applicant(s)

HSU, TSAI-CHENG

Examiner

Lee Y Quach

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of “a spiral tube” and “three U shaped tubes” as claimed in claims 6, 7, 19 and 20 must be shown or the feature(s) canceled from the claim(s). Therefore, the features of “the casing threadedly connected to the shade”, “the casing connected to the shade by a doweled joint” and “the casing connected to the shade by rotating a doweled joint” as claimed in claims 11 to 13 and 24 to 26 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following formalities: Page 4, lines 4 to 7, the language “the charging circuit 34 charges the rechargeable battery 41 when the detection circuit 33 detects that the alternative current is cut, this means no current exists” is improper. Since there is no current exists, the charging circuit 34 will not be able to charge the battery 41. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1 to 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cojocary in view of Sung et al.

Cojocary discloses a base (4, figure 2) adapted to be connected to a conventional socket (column 3, line 24), a casing (3, figure 2) having an end connected to the base, a battery which can be a rechargeable battery (34) or a battery (column 3, line 35, suitable power source considered as a non rechargeable battery), a light source (2), a circuit board comprising a power circuit (31), a charging circuit (33) or a battery circuit (it would be obvious to use a battery circuit when use in a condition of a non rechargeable battery), a detection circuit (23) and a switching circuit (32), an alternative current source (AC power, column 3, line 39) providing alternative current to the power circuit and the alternative current being switched into directed current which is supplied to the charging circuit, the switching circuit and the detection circuit, the alternative current source providing alternative current to the detection circuit which detects whether or not the alternative current is cut (column 3, lines 61 to 63), the charging circuit charging the rechargeable battery (column 3, lines 52 to 53) or the battery circuit providing electric current to the switching circuit (column 4, lines 3 to 4) which is powered normally by the power circuit (column 3, lines 48 to 50), the switching circuit supplying direct current provided by the power circuit to the light source when no signal is sent to the switching circuit from the detection circuit, the switching circuit supplying direct current provided by the rechargeable battery or the battery circuit to the light source when a signal is sent to the switching circuit from the detection circuit (column 4, lines 57 to 64), and the circuit board, the battery and the light source electrically connected with each other by wires and received in the casing. However, Cojocary does not disclose a shade having an opening engaged with the other end of the casing.

Sung et al. teach a shade (46, 58) in a form of a sphere (column 3, line 20) or other desired shape (column 3, line 19) readable onto a spiral tube or a three U shaped tubes and having an opening threadedly engaged with other end of the casing for not only providing decorative effects but also protecting the electrical components from detrimental effects. Sung et al. also teach that the casing and the shade can be connected to each other by other mechanical shape capable of cooperating to form a positive and detachable attaching (column 3, lines 7 to 8) readable onto a doweled joint or rotating doweled joint.

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It would have been obvious to one skilled in the art to engage the other end of the casing of Cojocary with a shade, as shown by Sung et al., so that not only the shade can provide decorative effects but the electrical components such as the circuit board, the battery and the light source can also be protected from detrimental effects.

With regards to claims 3, 4, 16 and 17, it is old and well known that incandescent, fluorescent such as discharge tube and light emitting diode light sources are interchangeable and/or can also be used in combination. It would have been obvious to one skilled in the art to which the subject matter pertains to use the light emitting diodes in place of the light source of Cojocary to not only enhance reliability and longevity of the light sources but also to reduce power consumption.

With regards to claims 8 to 10 and 21 to 23, the manner of connecting the base and the casing would have been an obvious matter of design choice which provides no unusual, unobvious and or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to choose different means to connect the base to the casing including force fitting, welding and gluing to accommodate different intended applications.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rozenberg et al. is cited to show other emergency light in the event of a power failure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service 571-272-2815.

Y. Q.
December 6, 2005



Y Quach Lee
Primary Examiner
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